

**RULES
OF
THE TENNESSEE STATE BOARD OF EQUALIZATION**

**CHAPTER 0600-3
TAX RELIEF**

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0600-3-.01 DETERMINATION OF REIMBURSABLE STATE OR LOCAL PROPERTY TAXES

PROVIDED BY TAX RELIEF PROGRAM. The State Board of Equalization through the Division of Property Assessments is responsible, under T.C.A. §67—673, for establishing rules and regulations for implementation of the tax relief program.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. Administrative History:* *Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987.*

0600-3-.02 DEFINITIONS. For purposes of tax relief rules and regulations:

- (1) "Taxpayer", is hereby defined to be the applicant, except for determination of income. The income from all owners of the property shall be considered.
- (2) "Single family dwelling", is hereby defined to include a duplex *in which the property owner resides*.
- (3) "Disability", with respect to a non-veteran, is hereby defined as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for continuous period of not less than twelve (12) months.
- (4) "Affidavit" is hereby defined as a notarized statement under oath which specifies all pertinent data and contains the valid signature of all parties thereto.
- (5) "Application credit voucher" (herein referred to as ACV) is (a) the shorter form of tax relief application approved by the Division of Property Assessments for use in tax years subsequent to a recipient's initial year of tax relief, and (b) a voucher to be used for payment of taxes by a tax relief recipient in the first or subsequent years of eligibility.
- (6) "Disbursement voucher" (herein referred to as DV) is the form approved by the Division of Property Assessments for use as the taxpayer's initial application for tax relief and for application in subsequent years if the taxpayer did not use the ACV in a prior year.
- (7) "Tax year" means the period of January 1 through December 31 of the year in which property taxes become due.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-5-5103 and 67-5-701. Administrative History:* *Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed June 16, 1995; effective August 30, 1995.*

0600-3-.03 AGE REQUIREMENT.

- (1) A taxpayer, in order to satisfy the property tax relief minimum age requirement, must attain age sixty-five (65) on or before December 31 of the year for which property tax relief is requested. Acceptable evidences are (a) copy of birth certificate, (b) copy of medicare card; (c) copy of medicaid card, (d) copy of marriage certificate which states the taxpayer's age, or (e) copy of valid census record.
- (2) If one of the above evidences is not available, the taxpayer may submit other evidences for review by the Director of the Division of Property Assessments.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. Administrative History:* *Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987.*

0600-3-.04 DISABILITY REQUIREMENT (NON-VETERAN).

- (1) A taxpayer, in order to satisfy property tax relief disability requirements, must be totally and permanently disabled, and provide evidence of same before the delinquency date of the taxing jurisdiction in which the taxpayer resides and is making application, or December 31 of the year for which property tax relief is requested, whichever comes first. Acceptable evidence is written verification from (a) the Social Security Administration, (b) the Tennessee Department of Human Services, (c) the Veteran's Administration, (d) the Railroad Retirement Benefit Board or (e) the duly constituted authority of any governmental or private entity which does not participate in the Social Security System. A duly constituted authority shall be any official body which would be recognized under law to grant benefits to an employee of that entity based on total and permanent disability. If the applicant is not eligible to obtain a written verification from one of the enumerated agencies, he or she may submit statements of a physician or other competent proof sufficient to establish disability in accordance with Social Security criteria for disability in effect at the time of application.
- (2) If a taxpayer has incurred total and permanent disability prior to the delinquency date of the taxing jurisdiction, but written verification cannot be obtained prior to that date, the local collecting official will accept the individual's tax relief application as a disabled homeowner and forward same to the Division of Property Assessments. These applications will be held until written verification is received. Upon receipt and approval of said verification the individual's tax relief application will be processed. Written verification must be received by the Division of Property Assessments no later than June 30 following the taxing jurisdiction's delinquency date.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-5-5103 and 67-5-701. Administrative History:* *Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed June 16, 1995; effective August 30, 1995.*

0600-3-.05 VETERAN'S DISABILITY REQUIREMENT. A taxpayer, in order to qualify for property tax relief as a disabled veteran, must be totally and permanently disabled from a service connected cause, a combat related cause, or confinement as a prisoner of war for a period of at least five (5) months. Evidence of such disability is required from the Veteran's Administration and must accompany the application.

- (1) Acceptable evidence for a service connected cause is written verification from the Veteran's Administration confirming (a) the service connected cause attributing to said disability, (b) total and permanent disability, and (c) the extent of said disability, i.e. loss, or loss of use, of any two limbs, or both eyes (including industrial blindness)
- (2) Acceptable evidence for a prisoner of war is written verification from the Veteran's Administration confirming (a) length of confinement [at least five (5) months] and (b) total and permanent disability.
- (3) Acceptable evidence for a combat related cause is written verification from the Veteran's

(Rule 0600-03-.05, continued)

Administration confirming that the total and permanent disability resulted from combat related injury.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. Administrative History:* Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed December 30, 1988; effective February 13, 1989.

0600-3-.06 WIDOW(ER) OF DISABLED VETERAN REQUIREMENT.

- (1) A taxpayer, in order to qualify for property tax relief as a widow(er) of a disabled veteran, must be the surviving spouse of a disabled veteran who was receiving or was eligible to receive property tax relief at the time of death. Evidence of the disabled veteran's death is required and must accompany the application. The surviving spouse must prove sole ownership of the property. A qualified surviving spouse can receive tax relief until remarriage and so long as the property is used exclusively as the home of such spouse.
- (2) Acceptable evidence will be a copy of the disabled veteran's death certificate, copy of the deed or verification by the collecting official, and a form of identification for the spouse such as a copy of driver's license, medicare card, social security card, military i.d. card, etc.

Authority: *Tennessee Constitution Article II §28; T.C.A. §§67-670 through 67-673 and Public Chapter Number 127, Public Acts 1983. Administrative History:* Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 30, 1988; effective February 13, 1989.

0600-3-.07 CERTIFICATION OF OWNERSHIP AND RESIDENCY.

- (1) A taxpayer, in order to qualify for property tax relief must have owned and used the property as his or her residence during some part of the given tax year for which tax relief is requested. Under no condition shall any taxpayer receive tax relief for property taxes paid on more than one (1) place of residence for any tax year. Evidence of ownership is required and must accompany the application. Acceptable evidence of ownership shall be the following for applications:
 - (a) For a DV, a copy of the current year tax notice or receipt for each jurisdiction for which tax relief is requested;
 - (b) The completed ownership and income information on the DV or ACV; and
 - (c) The completed certification of reasonable care by the collecting official on the DV or ACV.
- (2) For the DV, before completing the certification, the collecting official must establish through the ownership and income information the following:
 - (a) That the applicant is an owner as shown on the current year tax notice or receipt and the type of ownership interest; or if the applicant's name does not appear on the tax notice or receipt, the qualifications of the individual to apply for tax relief and the type of ownership must be evidenced. In the event the deed cannot be located, the applicant must submit an affidavit explaining the circumstances under which the applicant became the owner of the property. The taxpayer must establish that he or she was an owner of the property during the tax year, by evidence submitted no later than June 30 following the delinquency, date for the tax jurisdiction.
 - (b) That the applicant was told to report on the face of the application the prior year income of all owners who are living on the date application is made.
 - (c) If someone other than the property owner applied or signed for the owner, that:

(Rule 0600-03-.07, continued)

1. The authority to sign for the owner was established; and
 2. The type of ownership was established through completion of the Ownership Verification and Income Reported portions of the application
- (3) For the ACV, before completing the certification, the collecting official must establish through the ownership and income information the following:
- (a) The applicant reported information consistent with that of prior years and there is no reason to believe the applicant misunderstood the instructions.
 - (b) At least once every four years or when any change in ownership occurs the rules of recertification apply as detailed herein under Rule 0600-3-.15 Recertification of Tax Relief Recipients.
- (4) Other considerations of Ownership Verification are as follows:
- (a) *Life Estate.* A holder of a life estate may be eligible for tax relief. If the life estate is not shown on the tax notice/receipt, acceptable evidence must be shown to the collecting official and reported to the state office on the back of the DV. Acceptable evidence will be a recorded property deed or other recorded conveyance, or in the absence of these an affidavit explaining the circumstances under which the applicant took ownership of the property which specified the following:
 1. Recorded owner(s) and address(es);
 2. Name and address of the individual in possession of the life estate;
 3. Date on which the life estate was conveyed;
 4. Name(s) and address(es) of the owner(s) of the remaining interest.
 - (b) *Surviving spouse of deceased taxpayer.* If a taxpayer becomes deceased during the tax year only the surviving spouse can receive the tax relief for that year.
 1. If the surviving spouse is eligible by age or disability and income to receive tax relief in future years, he or she will apply on the DV and be qualified as a new applicant. If an ACV was received in the name of the deceased spouse it is to be voided and returned to the state office with the application of the surviving spouse; the collecting official should not give the surviving spouse credit for the voided ACV.
 2. If the surviving spouse is not eligible to receive tax relief in future years and the payment is a final one for the year of death of the spouse, a death certificate or an affidavit can be attached to an ACV and credit given by the collecting official.

When an affidavit is used it must include the following: the name, address and date of death of the deceased spouse; the name, address, and ownership interest in the residence of the surviving spouse; and a statement that the income reported on the ACV includes the prior year income of all owners of the residence who are living on the date application is made.
 - (c) *Mobile Home Owner*
 1. If the resident of a mobile home receives a tax notice in his or her own name, or if the mobile home is identified with a parcel of property through the use of a special interest

(Rule 0600-03-.07, continued)

number, the following shall be attached to and checked on the DV by the collecting official as part of the application:

- (i) A copy of the tax notice or receipt;
- (ii) Evidence of age or disability; and
- (iii) The appropriate ownership certification block on the back of the DV, for example, one which states that the collecting official has reviewed the title or bill of sale for the mobile home, or that an affidavit of ownership is attached.

2. If the resident of a mobile home does not receive a tax notice in his or her own name and the home is not identified with a parcel of property by a special interest number, the following shall be attached to and checked on the DV by the collecting official as part of the application:

- (i) A copy of the tax notice or receipt of the land owner;
- (ii) Evidence of age or disability;
- (iii) The appropriate ownership certification block on the back of the DV which states that the collecting official has reviewed the title or bill of sale for the mobile home, or that an affidavit of ownership is attached, and
- (iv) A form letter from the assessor of property providing the name of the resident, the location, and the appraised value of the mobile home.

3. A mobile home owner applying under either (1.) and (2.) above is required to have a letter verifying location of the home by the land owner only if the home has been relocated since January 1 of the year for which tax relief is sought.

- (d) *Property Located in More than One County.* When a property is divided by a county boundary(ies) tax relief will be calculated on the rate for the jurisdiction where the residence is located. Property tax relief will be paid only in the county where the residence is located.
- (e) If an eligible property tax relief recipient is relocated due to illness or disability, property tax relief may continue if the recipient intends to return to the home when recovered sufficiently. In determining whether the recipient intends to return to the home, rental of the home does not of itself evidence an intent not to return. If the rental is month-to-month or otherwise short-term consistent with the expected absence, the recipient may nevertheless be deemed to have an intent to return to the home.

Authority: Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. **Administrative History:** Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed July 13, 1987; effective August 27, 1987. Amendment filed December 30, 1988; effective February 13, 1989.

0600-3-.08 INCOME REQUIREMENT.

- (1) A taxpayer, in order to satisfy the income requirement, must not receive a yearly income in excess of the statutory limit. The yearly income will be the *total combined income of all property owners* for the calendar year prior to the year for which property tax relief is requested. *ALL* income must be included.

(Rule 0600-03-.08, continued)

- (2) The annual income declared by the taxpayer is subject to audit control which will include, but is not limited to, comparison of the income amount to social security benefits received for the prior year. The collecting official must place emphasis on the declaration of *ALL* income.
- (3) Annual income from all sources shall include, but is not limited to, social security payments after the medicare deduction, social security disability, supplemental security income, retirement and pension benefits, veteran's benefits, worker's compensation, unemployment compensation, salaries and wages, alimony, total interest and total dividends. For income from a business, farm, rental property, estate settlement, sale of securities, or other comparable source, include only the net income or loss after expenses. Gain or loss from the sale of a principal residence shall not be considered income. Except as otherwise provided by statute or these rules, determinations regarding the income of an applicant or owners of property shall be guided by the federal income tax requirements for determining income in effect on January 1, 1992.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. Administrative History:* Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed December 30, 1988; effective February 13, 1989. Amendment filed June 16, 1995; effective August 30, 1995.

0600-3-.09 METHODS OF APPLICATION.

- (1) A property owner may apply for property tax relief using one of the methods defined as follows:
 - (a) *Disbursement Voucher (long form).* The initial application for property tax relief is initiated by a DV (long form) application. The collecting official must assist the taxpayer in completing the form to ensure that all the information is accurate and complete. The front of the application must be signed by the taxpayer; the collecting official must complete the ownership verification and income reported portions, and certification on the back.
 1. *Applicant Signature.* The collecting official does not have the legal authority to sign for the taxpayer. If the collecting official determines the applicant to be eligible and verifies through personal knowledge that the applicant is physically or mentally incompetent to sign the application, the collecting official shall type or print the applicant's name in the appropriate block and attach a form letter certifying the applicant's inability to personally sign the application.

In the absence of personal verification by the collecting official, an individual with legal authority must sign for the applicant. Evidence of the individual's legal authority must accompany the application.
 - (b) *Application Credit Voucher (short form).* In each ensuing tax year, an ACV (short form) application will be prepared for each taxpayer who received property tax relief for the previous year. The application will be distributed to each recipient on or about the first tax payment date for that jurisdiction. A duplicate copy will also be distributed to the collecting official together with a printed report (ACV listing).
 1. The ACV application may be utilized as follows:
 - (i) The ACV may be presented to the collecting official together with the balance of property tax payment. The collecting official will verify all information on the form, certify the same with his/her signature, and accept the ACV as partial payment of the property tax. The ACV will be presented to the Division of Property Assessments for approval and payment of the property tax relief amount to the collecting official. The taxpayer should sign both copies of the ACV form.

(Rule 0600-03-.09, continued)

When the ACV is mailed or presented to the collecting official, it becomes the collecting official's responsibility to verify the taxpayer's signature as defined under "Disbursement Voucher". A comparison to the previous year's ACV is one alternative.

- (ii) The ACV may be presented to the collecting official together with full payment of the recipient's property tax. The collecting official will write "yes" in the Prepaid block of the ACV and present same to the Division of Property Assessments for approval and payment. The property tax relief amount will be sent directly to the recipient.
- (iii) When an ACV is presented to the collecting official and the applicant is deemed ineligible, the reason for ineligibility must be noted on the ACV. *Such ACV's must be returned to the Division of Property Assessments to ensure the accuracy of tax relief records.* Also, ACV copies distributed to the collecting official but never used must be returned to the Division of Property Assessments.
- (iv) An ACV may also be obtained through use of the DV application. A taxpayer initially applying for property tax relief may request an ACV by so indicating on the DV application. An ACV will be prepared and distributed to the applicant for presentation to the collecting official as defined in (a) and (b) above. This request must be made no later than forty-five (45) days prior to the delinquency date of the taxing jurisdiction and must be received by the state office no later than forty (40) days prior to the delinquency date of the taxing jurisdiction. The collecting official should review copies of letters indicating insufficient information in the pending file at this time, to ensure that all applications requesting ACV's are resolved and sent to the state office no later than forty (40) days prior to the delinquency date of the taxing jurisdiction.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. Administrative History:* *Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987.*

0600-3-.10 DOCUMENT CONTROL. Document control will be accomplished through the following procedures:

- (1) Disbursement Voucher (long form). Upon receipt, examination, and certification of each DV application the collecting official will copy said application and all eligibility documentation. This copy will be maintained in pending file until confirmation is received, from the Division of Property Assessments, regarding the disposition of said application.

The disposition of each application will be confirmed to the collecting official in the following manner:

- (a) If the taxpayer is ineligible for property tax relief, the collecting official will receive a copy of notification to the taxpayer. The application copy, together with the letter of disqualification, should be placed in an "Ineligible" file. This file should be maintained until the conclusion of the taxpaying cycle.
- (b) If the application is incomplete or inaccurate, it will be returned to the collecting official if the information needed can be provided by the official; otherwise it will be returned to the applicant and a copy of the "Insufficient" letter will be sent to the collecting official. The copy should be attached to the copy of the application in the pending file and maintained in this file until the applicant's name either appears on a pay register or the collecting official should monitor this file and notify both the regional coordinator and the state office when an

(Rule 0600-03-.10, continued)

application remains pending over sixty (60) days.

- (c) All DV applications processed by the Division of Property Assessments will be listed in alphabetical order for the collecting official.

This report (DV Pay Register) will be distributed to the collecting officials immediately following payment to the taxpayer(s). Following receipt of this report, the collecting official should remove "paid" applications from the pending file. The DV Pay Register(s) shall be retained until completion of the jurisdiction's next regular audit by the Division of County Audit, or an independent public accountant.

- (2) *Application Credit Voucher (short form).* Upon receipt, examination, and certification of ACV applications, the collecting official will place the duplicate ACV form (or copy) in a pending file. The original ACV(s) will be distributed to the Division of Property Assessments for payment.

All ACV applications processed by the Division of Property Assessments will be listed in alphabetical order for the collecting official. This report (ACV Pay Register) will be distributed to the collecting official together with payment of the total property tax relief amount. The report will include payments to the collecting official and/or taxpayer (prepaid). The ACV Pay Register(s) shall be retained until completion of the jurisdiction's next regular audit by the Division of County Audit, or an independent public accountant.

Authority: *Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. Administrative History:* *Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed July 13, 1987; effective August 27, 1987. Amendment filed September 14, 1990; effective October 29, 1990.*

0600-3-.11 ACCEPTANCE OF PROPERTY TAX RELIEF APPLICATIONS. Property tax relief applications must be submitted to the collecting official before the jurisdiction's property tax delinquency date. The collecting official must review each application, certify its validity, and present same to the Division of Property Assessments, as soon as possible after certifying its validity. Applications will not be accepted after June 30 following the delinquency date for the jurisdiction.

- (1) Example of County Procedure:

- (a) Property taxes become delinquent on March 1st except as provided in T.C.A. §4-~~3-1~~⁴⁻¹402. Applications for property tax relief must be submitted to the collecting official prior to this date as provided by state law. Applications which are submitted by mail must be postmarked and dated prior to the delinquency date.
- (b) In addition to other deadlines imposed by these rules for submission of applications to the collecting official, all applications (DV's and ACV's) and supporting documentation must be submitted to the state office by June 30 following the delinquency date for the jurisdiction.

- (2) Mortgage Escrow Accounts.

- (a) Taxpayers, whose property tax is paid through a mortgage escrow account will not be penalized by failure of the mortgage company to release property tax payments to the collecting official by the delinquency date. The collecting official will accept the taxpayer's application (ACV or DV) if submitted before the delinquency date and hold same until payment is received from the mortgage company. The application(s) will then be submitted for payment.

- (3) Lost Application.

- (a) If an application (DV or ACV) becomes lost, the collecting official will submit a copy of the original application together with a certification that said copy is a true and correct copy of

(Rule 0600-03-.11, continued)

the original application. This copy should be available from the DV or ACV pending file, and must include copies of all eligibility documents. This provision for lost applications does not supersede the deadline of June 30 set forth in part (l)(b) above.

(4) Installment or Partial Payments.

- (a) Collecting officials who accept partial or installment payments from taxpayers who are qualified to receive property tax relief will accept the taxpayer's application (ACV) if presented before the delinquency date for the jurisdiction and hold same until the final payment is made by the taxpayer and ensure that the following requirements are met:
1. Credit shall not be extended on an ACV to a taxpayer until the final installment is due and payable;
 2. The final payment must be received by the jurisdiction within the inclusive period for installment payments to be made for a given tax year as established by law for the jurisdiction;
 3. Any ACV held for completion of installment or partial payments shall then be submitted promptly to the State for reimbursement so that the ACV's for the subsequent tax year may be selected by the State before tax collecting begins; and
 4. A copy of the final receipt showing that all taxes have been paid for a given tax year shall be attached to any ACV submitted for payment.

Authority: Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. **Administrative History:** Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed December 30, 1988; effective February 13, 1989. Amendment filed June 16, 1995; effective August 30, 1995.

0600-3-.12 APPEAL PROCEDURE. The State Board of Equalization will conduct in the manner otherwise provided by law a hearing regarding the complaint and appeal of any person arising from the action of the collecting official or the Division of Property Assessments.

Authority: Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. **Administrative History:** Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987.

0600-3-.13 EFFECTIVE DATE OF RULES. These rules shall take effect on November 14, 1983.

Authority: Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. **Administrative History:** Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987.

0600-3-.14 MORATORIUM ON THE COLLECTION OF OVERPAYMENTS DUE TO MISTAKE. A moratorium will be in effect on the collection of tax relief overpayments due to mistake for tax years 1973 through 1982 until July 1, 1985.

Authority: Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. **Administrative History:** Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987.

0600-3-.15 RECERTIFICATION OF TAX RELIEF RECIPIENTS.

- (1) Beginning in tax year 1983, the collecting official shall be responsible for reverifying the ownership eligibility of recipients and for certifying that reasonable care has been used to establish such eligibility. This information will be recorded on the back of the ACV.
 - (a) Ownership eligibility shall be established by verifying with the recipient, or his or her legal representative, that the tax notice or receipt reflects accurately the ownership status of the property.
 - (b) If the recipient's name does not appear on the tax notice or receipt, the collecting official shall determine the cause, review the deed if necessary and have the recipient recertify his or her ownership eligibility by executing an affidavit of ownership by purchase or inheritance.
 - (c) If co-ownership is established the collecting official will state to the recipient, or his or her legal representative, that the incomes of all owners of the property must be included on the front of the ACV and that the combined incomes cannot exceed the statutory limit; and that the date(s) of death of a spouse or co-owner(s) must be listed and their income(s) included when applicable.
- (2) For purposes of recertification, a legal representative means an individual who, for example, has a Power of Attorney from the recipient, or a court document granting authority to act for the recipient such as a guardian or conservator. When recertification occurs through a legal representative, a copy of the document produced for the collecting official must be attached to the ACV when submitted for payment to the state office
- (3) An unqualified recipient is one who:
 - (a) Does not own the property; or
 - (b) Is sole owner of the property, but his or her income exceeds the statutory limit; or
 - (c) Owns the property with others and the combined incomes exceed the statutory limit; or
 - (d) Is not 65 years of age, or currently permanently disabled.

Where any of the above conditions occur, the collecting official will void the ACV, *include one of the above reasons in "Remarks" on the ACV* and return it to the state office.
- (4) The state office shall request the reimbursement of tax relief payments received by unqualified recipients for any applicable year(s).
- (5) The initial recertification of ACV recipients will be completed by the end of tax year 1986. To assist collecting officials in the recertification process, the state office will do the following:
 - (a) Beginning with tax year 1984, the ACV will show the year of recertification of the recipient. For example, tax year 1983 is assumed to be the first year of recertification for all recipients. If a recipient was seen by the collecting official in tax year 1983, and the ownership status was verified, the recipient's 1984 ACV will show "1983" as the year of recertification. If a recipient was not seen and recertified by the collecting official in tax year 1983, the ACV will show "1982" as the base year.
 - (b) At the end of each tax year, the collecting official will receive a computer printout which provides the names of all recipients in the jurisdiction not recertified in the previous tax year. The purpose of the printout is to enable the collecting official to plan for the recertification of these recipients within the time remaining in the four year cycle.

(Rule 0600-03-.15, continued)

- (6) An ACV will not be processed by the state office unless recertification is accomplished *at least every fourth tax year*.
 - (a) Example—ACVs produced for tax year 1986 will indicate a recertification year of 1982, 1983, 1984, or 1985. If the recertification year is 1982, an "X" will print beside the year to alert the collecting official that in tax year 1986 recertification is mandatory. Without recertification these ACV's will not be approved for payment.
 - (b) ACVs selected for recipients who have not been recertified within the prior three (3) years will be mailed to the recipients by the state office with a letter informing them that they must be seen by the collecting official and recertified in order to continue receiving tax relief benefits.
 - (c) Each collecting official has the responsibility to develop a means of recertifying each recipient who receives such a letter. Recertification may occur before the date tax collecting begins for the jurisdiction.
- (7) Recertification of Disabled Homeowners: Beginning in tax year 1985 and each fourth year thereafter, the state office shall be responsible for obtaining current proof of disability of disabled homeowner recipients who qualified for tax relief pursuant to T.C.A. §67-5-703 (Disabled Homeowners). Recertification of permanent and total disability is not required for those veterans who qualified for tax relief according to T.C.A. §67-5-704 (Disabled Veteran's Residence).
 - (a) Disabled homeowner eligibility shall be established by the state office either by the receipt of current written verification from an authority duly constituted to make a determination that the homeowner is currently permanently and totally disabled; or if the applicant is not eligible to obtain such verification; he or she may submit statements of a physician or other competent proof sufficient to establish disability in accordance with current Social Security criteria for disability.
 - (b) Recertification will be deemed current each year for any disabled homeowner whose first recertification establishes that the recipient cannot recover to a lesser degree of disability.

Authority: Tennessee Constitution Article II, T.C.A. §§4-3-5103 and 67-5-701 through 67-5-704. **Administrative History:** Original rule filed February 12, 1982; effective April 1, 1982. Repeal and new rule filed October 14, 1983; effective November 14, 1983. Amendment filed December 1, 1986; effective January 15, 1987. Amendment filed July 31, 1987; effective August 27, 1987.